

United States District Court, Northern District of Illinois



				رىن قۇغۇرى دارىيى ئارىدى ئارىدى ئارىدى	*! 				
Name of Assigned Judge or Magistrate Judge			James B	. Moran	Sitting Judge if Other than Assigned Judge				
CASE NUMBER		ER	02 C	4816	DATE	11/25	/2002		
CASE TITLE				Ezzat Slaieh	et al. Vs. Illinois	Central RR et al.			
MO'	TION:		[In the following box (a) of the motion being pres		e motion, e.g., plaintiff, do	fendant, 3rd party plaintiff, and	d (b) state briefly the nature		
Memorandum Opinion and Order									
DOC	CKET ENTRY	Y:							
(1)		Filed r	notion of [use listing	in "Motion" box at	pove.]				
(2)		Brief i	n support of motion o	lue			·		
(3)		Answe	er brief to motion due	Reply to a	nswer brief due	_·			
(4)		Ruling	/Hearing on	set forat	<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>				
(5)		Status hearing[held/continued to] [set for/re-set for] on set for at							
(6)		Pretrial conference[held/continued to] [set for/re-set for] on set for at							
(7)		Trial[set for/re-set for] on at							
(8)	<u> </u>	[Bench/Jury trial] [Hearing] held/continued to at							
(9)		This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] □ FRCP4(m) □ Local Rule 41.1 □ FRCP41(a)(1) □ FRCP41(a)(2).							
(10)	denied.	[Other	r docket entry] Er	nter Memorandur	n Opinion and Or	der. The motion for	reconsideration is		
(11)) = [[For ft	urther detail see order	attached to the orig	inal minute order.]				
			dvised in open court.				Document Number		
	No notices required.					number of notices			
	Notices mailed by judge's staff. Notified counsel by telephone.					NOV 2 6 2002	,		
✓ 	Docketing to m	nail not orm.	ices.	COURT	U.S. DISTRICT	date docketer docketn's deputy initials	42		
Copy to judge/magistrate judge. courtroom deputy's initials			courtroom deputy's	ЭЛ: <u> </u> О <u>Г П</u> Date/tim	SZ NON ZO	date mailed notice mailing deputy initials			

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

EZZAT SLAIEH, NADIA SLAIEH. natural parents and next friends of SHADIA SLAIEH, a minor,)))	
Plaintiffs,)	
vs.	No. 02 C 4816	
ILLINOIS CENTRAL RAILROAD, et al.,))	DOCKETED
Defendants.))	NOV 2 6 2002

MEMORANDUM OPINION AND ORDER

Plaintiffs move to reconsider the order of dismissal of the Illinois Central Railroad Co. and Amtrak, contending that they timely asserted their rights in the wrong forum because they filed in Mississippi within three years of the accident and Mississippi has a three-year statute. But the "timely" refers to a filing here, the proper forum, and the filing in Mississippi was after the statute had run in Illinois.

When a case is transferred to Illinois because of improper venue, we apply Illinois choice of law rules, which means we apply the Illinois limitations statue. Were it otherwise, a plaintiff who should have sued here but failed to do so before the statute ran could select another but unrelated forum with a longer limitations period, as here, to in effect revive an expired claim. See Koutsoubos v. Casanave, 816 F.Supp. 472, 475, fn.5 (N.D. Ill. 1993). The motion for reconsideration is denied.

JAMES B. MORAN Senier Judge, U. S. District Court

Nov. 25, 2002.